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**STATE OF IOWA**

**House Journal**

**WEDNESDAY, FEBRUARY 19, 2003**

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(The official bound copy will be available after a reasonable time upon adjournment.)

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## JOURNAL OF THE HOUSE

Thirty-eighth Calendar Day - Twenty-seventh Session Day

Hall of the House of Representatives  
Des Moines, Iowa, Wednesday, February 19, 2003

The House met pursuant to adjournment at 8:43 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Jim Wakelin, pastor of the Christian Church of Bloomfield. He was the guest of Representative Swaim of Davis County.

The Journal of Tuesday, February 18, 2003 was approved.

### PETITION FILED

The following petition was received and placed on file:

By Arnold of Lucas, from four hundred eighty-nine constituents of the Seventy-second District opposing the Iowa Department of Natural Resource's practice of draining the recreational areas known as Brown's Slough and the Colyn Area each spring. They request that the water levels in the respective areas be maintained at levels to support fish habitat and to allow sufficient water levels for canoeing and other, similar non-motorized boating areas.

### INTRODUCTION OF BILLS

[House File 235](#), by committee on local government, a bill for an act relating to the various duties of the county treasurer.

Read first time and placed on the **calendar**.

[House File 236](#), by Eichhorn, a bill for an act relating to making the office of the clerk of the district court an elective office.

Read first time and referred to committee on **judiciary**.

[House File 237](#), by Swaim, a bill for an act providing for the elimination of specified school district budget guarantee provisions, and providing an effective date.

Read first time and referred to committee on **education**.

[House File 238](#), by Baudler, a bill for an act relating to the amount of mussels and shells which may be taken pursuant to a sport fishing license.

Read first time and referred to committee on **natural resources**

[House File 239](#), by Foege, a bill for an act providing an appropriation to the Iowa department of public health for the child protection center grant program.

Read first time and referred to committee on **appropriations**.

[House File 240](#), by committee on agriculture, a bill for an act relating to the composition of the Iowa egg council.

Read first time and placed on the **calendar**.

[House File 241](#), by Whitead and Wendt, a bill for an act authorizing the district court to waive the requirement that the state or any of its political subdivisions file a supersedeas bond upon appeal to the Iowa supreme court.

Read first time and referred to committee on **judiciary**.

[House File 242](#), by Whitead, a bill for an act establishing a pilot project to waive restrictions on placement of traffic devices within cities.

Read first time and referred to committee on **transportation**.

[House File 243](#), by Shoultz, a bill for an act providing reorganization incentives for specified school districts through state funding of transportation costs, and making an appropriation.

Read first time and referred to committee on **education**.

[House File 244](#), by Boal, a bill for an act providing resident license fees for hunting, fishing, trapping, and related activities to certain persons in the armed forces of the United States.

Read first time and referred to committee on **natural resources**.

[House File 245](#), by Heddens, a bill for an act to rename the birth defects institute and registry.

Read first time and referred to committee on **human resources**.

On motion by Gipp of Winneshiek, the House was recessed at 8:51 a.m., until 1:00 p.m.

#### AFTERNOON SESSION

The House reconvened at 1:03 p.m., Speaker Rants in the chair.

#### QUORUM CALL

A non-record roll call was requested to determine that a quorum was present. The vote revealed eighty-seven members present, thirteen absent.

#### INTRODUCTION OF BILL

[House File 246](#), by Boggess, a bill for an act eliminating school driver's licenses for minors.

Read first time and referred to committee on **transportation**.

#### CONSIDERATION OF BILLS

##### Regular Calendar

[House File 180](#), a bill for an act relating to character education and service learning in Iowa's elementary and secondary schools, was taken up for consideration.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 180](#))

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wildurdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 6](#) WITHDRAWN

Raecker of Polk asked and received unanimous consent to withdraw [House File 6](#) from further consideration by the House.

[House File 171](#), a bill for an act relating to nonsubstantive Code corrections and including effective and retroactive applicability date provisions, with report of committee recommending amendment and passage, was taken up for consideration.

J. R. Van Fossen of Scott offered the following amendment [H-1015](#) filed by the committee on judiciary and moved its adoption:

H-1015

- 1 Amend [House File 171](#), as follows:
- 2 1. Page 4, line 8, by striking the word
- 3 "superintendent" and inserting the following:
- 4 "~~superintendent~~ state printing administrator".
- 5 2. Page 6, line 10, by striking the words "senate
- 6 and" and inserting the following: "senate and chief
- 7 clerk of the".
- 8 3. Page 21, line 35, by striking the word
- 9 "~~years,~~" and inserting the following: "years,".

The committee amendment [H-1015](#) was adopted.

J. R. Van Fossen of Scott moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 171](#))

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.

Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 170**, a bill for an act relating to the criminal offense of identity theft by making changes in the elements of the offense, was taken up for consideration.

Maddox of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 170](#))

The ayes were, 100:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Bogges
Bukta	Carroll	Chambers	Cohoon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heaton
Heddens	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Klemme	Kramer	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Manternach	Mascher	McCarthy
Mertz	Miller	Murphy	Myers
Oldson	Olson, D.	Olson, S.	Osterhaus
Paulsen	Petersen	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Roberts
Sands	Schickel	Shoultz	Smith
Stevens	Struyk	Swaim	Taylor, D.
Taylor, T.	Thomas	Tjepkes	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Mr. Speaker
			Rants

The nays were, none.

Absent or not voting, none.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

**House File 85**, a bill for an act relating to tip-up fishing in the waters of the Missouri and Big Sioux rivers and subjecting violators to an existing penalty, with report of committee recommending passage, was taken up for consideration.

Rasmussen of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 85](#))

The ayes were, 99:

Alons	Arnold	Baudler	Bell
Berry	Boal	Boddicker	Boggess
Bukta	Carroll	Chambers	Cohon
Connors	Dandekar	Davitt	De Boef
Dennis	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greimann	Greiner
Hahn	Hansen	Hanson	Heddens
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jenkins	Jochum	Jones	Klemme
Kramer	Kuhn	Kurtenbach	Lalk
Lensing	Lukan	Lykam	Maddox
Manternach	Mascher	McCarthy	Mertz
Miller	Murphy	Myers	Oldson
Olson, D.	Olson, S.	Osterhaus	Paulsen
Petersen	Quirk	Raecker	Rasmussen
Rayhons	Reasoner	Roberts	Sands
Schickel	Shoultz	Smith	Stevens
Struyk	Swaim	Taylor, D.	Taylor, T.
Thomas	Tjepkes	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Whitaker	Whitead	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, none.

Absent or not voting, 1:

Heaton

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

#### IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 85, 170, 171 and 180.**

#### EXPLANATION OF VOTE

I was necessarily absent from the House chamber on February 19, 2003. Had I been present, I would have voted "aye" on [House File 85](#).

HEATON of Henry

#### BILL SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on February 17, 2003, he approved and transmitted to the Secretary of State the following bill:

[Senate File 36](#), an Act supplementing appropriations made for the fiscal year beginning July 1, 2002, to the Departments of Human Services, Corrections, and Public Safety, and to the State Public Defender, and providing effective date and applicability provisions.

#### PRESENTATION OF VISITORS

The Speaker announced that the following visitors were present in the House chamber:

One hundred fifty senior students from Denison-Schleswig High School, Denison, Iowa, accompanied by the government teacher, Crystal Holt. By Hoffman of Crawford.

#### COMMUNICATIONS RECEIVED

The following communications were received and filed in the office of the Chief Clerk:

**DEPARTMENT OF HEALTH AND HUMAN RIGHTS**

Report providing all management to staff ratios as of January 13, 2003, of all funded positions, pursuant to Chapter 11.5A(105), Code of Iowa.

**DEPARTMENT OF NATURAL RESOURCES**

A report of Classification and Management of Iowa's State Parks, State Recreation Areas and State Preserves, pursuant to Chapter 455A.4, Code of Iowa.

**IOWA CRIMINAL AND JUVENILE JUSTICE PLAN**

2003 update, pursuant to Chapter 216A.135, Code of Iowa.

**IOWA DEPARTMENT FOR THE BLIND**

Annual Report, pursuant to Chapter 216B.7, Code of Iowa.

**OFFICE OF THE STATE TREASURER**

Annual Report for the Linked Investments for Tomorrow, pursuant to Chapter 12B.10, Code of Iowa.

**CERTIFICATES OF RECOGNITION**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

**MARGARET A. THOMSON**  
Chief Clerk of the House

- |          |  |
|----------|--|
| 2003\437 | Mavis Anna Hull, Boone – For celebrating her 80 <sup>th</sup> birthday.                            |
| 2003\438 | Frank and Dorothy Horn, Ames – For celebrating their 60 <sup>th</sup> wedding anniversary.         |
| 2003\439 | Maxine Chipman, Boone – For celebrating her 90 <sup>th</sup> birthday.                             |
| 2003\440 | Mr. and Mrs. Fred Hansen, Oakland – For celebrating their 50 <sup>th</sup> wedding anniversary.    |
| 2003\441 | Mildred Sprinkel, Council Bluffs – For celebrating her 90 <sup>th</sup> birthday.                  |
| 2003\442 | Evelyn Cover, Millersburg – For celebrating her 80 <sup>th</sup> birthday.                         |
| 2003\443 | Joe Shannahan, Williamsburg – For celebrating his 80 <sup>th</sup> birthday.                       |
| 2003\444 | Donald and Nadyne Roland, What Cheer – For celebrating their 50 <sup>th</sup> wedding anniversary. |

- 2003\445 Glenn and Wilma Braden, Hedrick – For celebrating their 65<sup>th</sup> wedding anniversary.
- 2003\446 Bill and Bonnie Sievers, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\447 John and LaVonne Pollard, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\448 Cletus and Ruth Heinrichs, Marshalltown – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\449 Bob and Phyllis Press, Marshalltown – For celebrating their 54<sup>th</sup> wedding anniversary.
- 2003\450 Everett and Dorothy Perry, Marshalltown – For celebrating their 52<sup>nd</sup> wedding anniversary.
- 2003\451 Frances Heuer, Marshalltown – For celebrating her 87<sup>th</sup> birthday.
- 2003\452 Bob Press, Marshalltown – For celebrating his 80<sup>th</sup> birthday.
- 2003\453 Marie Curtis, Chariton – For celebrating her 101<sup>st</sup> birthday.
- 2003\454 Frieda Johnson, Spirit Lake – For celebrating her 85<sup>th</sup> birthday.
- 2003\455 Bill and Lena Richards, Spencer – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\456 Jim and Loyce Braband, Spirit Lake – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\457 Paula M. Olson, West Des Moines – For receiving the Milken Family Foundation National Educator Award.
- 2003\458 Jack Thomson, Cresco – For being inducted to the Times Plain Dealer Hall of Fame.
- 2003\459 Bob and JoAnne Richards, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\460 Dale and Peggy Gardner, Newton – For celebrating their 50<sup>th</sup> wedding anniversary.
- 2003\461 Nellie Leona Caylor, Newton – For celebrating her 90<sup>th</sup> birthday.
- 2003\462 Megan Srivinas, Fort Dodge – For being a Distinguished Finalist in the 8<sup>th</sup> Annual Prudential Spirit of Community Awards.

## SUBCOMMITTEE ASSIGNMENTS

**[House File 73](#) Reassigned**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**[House File 88](#) Reassigned**

State Government: Raecker, Chair; Lykam and Rasmussen.

**[House File 172](#)**

Education: Raecker, Chair; Dolecheck and Winckler.

**[House File 203](#)**

Commerce, Regulation and Labor: Wilderdyke, Chair; Connors and Dix.

**[House File 209](#)**

Education: Tymeson, Chair; Paulsen and Stevens.

**[House File 212](#)**

Education: Tymeson, Chair; K. Kramer and Stevens.

**[House File 218](#)**

Education: Dolecheck, Chair; Dandekar and Tymeson.

**[House File 219](#)**

Education: Tymeson, Chair; Dolecheck and Stevens.

**[House File 221](#)**

Human Resources: Heaton, Chair; Carroll and Smith.

**[House File 226](#)**

Human Resources: Boddicker, Chair; Heaton and Heddens.

**[House File 229](#)**

Human Resources: Upmeyer, Chair; Boddicker and Foegel.

**[House File 230](#)**

Commerce, Regulation and Labor: Sands, Chair; Manternach and T. Taylor.

**[House File 238](#)**

Natural Resources: Baudler, Chair; Lykam and J.R. Van Fossen.

**[House File 244](#)**

Natural Resources: Rasmussen, Chair; Dix and Whitead.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

**[House Study Bill 47](#) Reassigned**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**[House Study Bill 77](#) Reassigned**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**[House Study Bill 125](#) Reassigned**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**[House Study Bill 126](#) Reassigned**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**[House Study Bill 131](#) Reassigned**

State Government: Elgin, Chair; Fallon, Hutter, Jochum, Oldson, Roberts and Watts.

**[House Study Bill 151](#)**

State Government: J. Drake, Chair; Connors, Elgin, Jones and Lykam.

**[House Study Bill 152](#)**

Human Resources: Upmeyer, Chair; Boddicker and Murphy.

**[House Study Bill 153](#)**

Human Resources: Boddicker, Chair; Berry and Heaton.

**[House Study Bill 154](#)**

Human Resources: Granzow, Chair; Boddicker and Smith.

**[House Study Bill 157](#)**

Judiciary: Maddox, Chair; Paulsen and Swaim.

**[House Study Bill 158](#)**

Judiciary: Paulsen, Chair; Lensing and J.R. Van Fossen.

**[House Study Bill 159](#)**

Judiciary: Boal, Chair; Berry and Dennis.

**House Study Bill 160**

Judiciary: K. Kramer, Chair; Baudler and Foege.

**House Study Bill 161**

Judiciary: Eichhorn, Chair; Swaim and J.R. Van Fossen.

**House Study Bill 162**

Judiciary: Heaton, Chair; Eichhorn and Jochum.

**HOUSE STUDY BILL COMMITTEE ASSIGNMENTS**

**H.S.B. 163 Ways and Means**

Relating to county budgets and expenditures, including law enforcement salaries and expenses as general county services, and including effective date and applicability date provisions.

**H.S.B. 164 Ways and Means**

Relating to property taxes by requiring a super majority vote by the general assembly on state appropriations funding certain property tax credits and exemptions and providing local government assistance and on legislation increasing maximum property tax rates set by state statute and providing an immediate effective date.

**H.S.B. 165 Ways and Means**

Requiring the establishment of property tax replacement funds by counties and including effective date and applicability date provisions.

**H.S.B. 166 Ways and Means**

Relating to county ending fund balances and providing effective and applicability date provisions.

**H.S.B. 167 Ways and Means**

Relating to local option taxes and including an effective date.

**H.S.B. 168 Human Resources**

Relating to the authorization of podiatrists to administer anesthesia.

**H.S.B. 169 Government Oversight**

Relating to life science enterprises by providing for financing, and providing an effective date.

**H.S.B. 170 Public Safety**

Relating to tobacco retailers and providing penalties.

**H.S.B. 171 Public Safety**

Providing for the performance of criminal background investigations and the submission of arrest information with regard to specified individuals employed by the state in an electronic information systems capacity.

**H.S.B. 172 Economic Growth**

Relating to the employment security administrative contribution surcharge, and providing an effective date.

**H.S.B. 173 Agriculture**

Providing wine gallonage tax revenue to support grape and wine development, and providing an effective date and retroactive applicability.

**COMMITTEE RECOMMENDATIONS**

**MR. SPEAKER:** The Chief Clerk of the House respectfully reports that the following committee recommendation has been received and is on file in the office of the Chief Clerk.

MARGARET A. THOMSON  
Chief Clerk of the House

**COMMITTEE ON JUDICIARY**

**Committee Bill** (Formerly [House Study Bill 29](#)), providing that interest on weekly workers' compensation payments is paid at the same rate as for court judgments and decrees.

Fiscal Note is not required.

Recommended: Amend and Do Pass February 18, 2003.

